

SINGLE BENCH

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(3)

(1)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT

BILASPUR

W.P.NO. 388 / 2006

Petitioner

:

Daulat Ram Banjare
Aged about 41 years
S/o Late Shri Budhram
Banjare, R/o Composite
Building, Occupation -
(Temporary) Chowkidhar in
P.W.D, National Highway
Division, Bilaspur-(C.G.)

P.R. No. 389/06
Presented by Swosh Kumar Verma
dated 23/1/06

Versus

Respondents

/1.

State of Chhattisgarh
Through - The Secretary
Public Works Department,
D.K.S Bhawan, Raipur.
Dist : Raipur - (C.G.)

/2.

The Chief Engineer (Pramuk
Abyanta) P.W.D. Chhattisgarh
government Sirpur Bhawan
Civil Line Raipur,
Dist : Raipur-(C.G.)

/3.

The Chief Engineer
P.W.D. National Highway and
Bridge Sub Area near Pump
House Chowk, Raipur-(C.G.)

/4.

The Superintendent Engineer
P.W.D.National Highway
Division, Composite building,
Bilaspur-(C.G.)

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WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF

INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 388 of 2006

Petitioner : Daulat Ram Banjare

Versus

Respondents : State of Chhattisgarh & Others

Shri Suresh Kumar Verma, counsel for the petitioner.

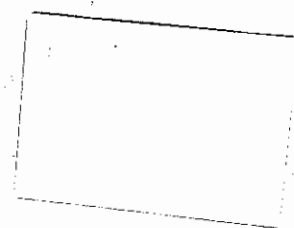
Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER

(6th November, 2006)

1. The petitioner was appointed on temporary basis as Chowkidar vide order dated 14.2.1990 (Annexure P/1). The terms and conditions of the appointment clearly provide that the appointment was purely temporary in nature and the same would have to be removed any time with one month's notice.
2. The petitioner, while working on the post of peon on temporary basis, made a representation to the Executive Engineer, Public Works Department, National Highway Division, Narmada Nagar, Bilaspur on 6.8.2004 (Annexure P/2) for regularization of his service.
3. The petitioner has filed this petition seeking following relief,

"7.1 That this Hon'ble Court may kindly be pleased to direct the respondents to regularize the petitioner on the same post which he is working or the respondents be further directed to absorb the petitioner in the post of Peon or L.D. C. in the regular establishment."



4. The respondents/State, in their reply, stated that the petitioner was appointed in the Work Charged Establishment on temporary basis. The appointment of the petitioner being temporary does not entitle to regularize/absorb in the regular service. It is further submitted that the petitioner is not entitled to relief of regularization on the ground that some other persons have been regularized.
5. I have heard learned counsel for the parties and perused the petition, reply and annexures appended thereto.
6. The Constitutional Bench of the Supreme Court in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others¹** held that the temporary employees appointed/recruited dehors the constitutional scheme or not in accordance with rules and other statutory provisions, is not entitled to continuation and regularization on the basis of continuous employment for a long period. It was later on followed by the Supreme Court in several decisions, some of them are **Accounts Officer (A&I) A.P. SRTC and Others Vs. P. Chandra Sekhara Rao and Others²**, **Surinder Prasad Tiwari Vs. U.P. Rajya Krishi Utpadan Mandi Parishad and Others³**.
7. For the reasons stated above, the writ petition stands dismissed. No order as to costs.

Sd/-
S. K. Agnihotri
Judge

¹{(2006) 4 SCC 1}

²{(2006) 7 SCC 488}

³{(2006) 7 SCC 684}